

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 INGRID CLEMENTE FARIN,

11 Plaintiff,

12 v.

13 COMMISSIONER OF SOCIAL
14 SECURITY,

15 Defendant.

CASE NO. 3:18-CV-5718 JRC

ORDER TO SHOW CAUSE

16 This matter comes before the Court on plaintiff's filing of an application to proceed *in*
17 *forma pauperis* and a complaint to review and set aside a decision of the Social Security
18 Administration under 42 U.S.C. § 405(g). To file a complaint and initiate legal proceedings
19 plaintiff must pay a filing fee of \$400.00 or file a proper application to proceed *in forma*
20 *pauperis*.

21 On September 1, 2018, plaintiff filed her Declaration and Application to Proceed *in*
22 *Forma Pauperis* and Written Consent for Payment of Costs. Dkt. 1. Plaintiff's application
23 indicates that her spouse earns a monthly income of \$3,500.00 resulting an annual income of
24 \$42,000. Dkt. 1. The Court guideline of 200% of the 2018 poverty level, which is \$41,560.00 per

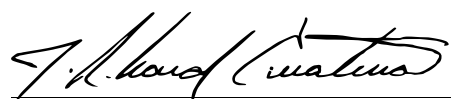
1 year for a household of three. See <https://aspe.hhs.gov/poverty-guidelines>, last visited 9/05/2018.
2 However, plaintiff also shows that, as of 3/05/2018, she has \$240,000 in home equity with no
3 mortgage payment listed, \$775 in monthly car payments with no listed interest in the vehicle(s),
4 \$1,800 per month in expenses for a dependent, and \$300 per month in clothing expenses. Dkt. 1.
5 Plaintiff also shows additional income of \$2,200, and it is unclear what the source of this income
6 is and whether it is received monthly, yearly, or was a one-time receipt.

7 The District Court may permit indigent litigants to proceed *in forma pauperis* following
8 completion of a proper affidavit of indigence. See 28 U.S.C. § 1915(a). According to the Ninth
9 Circuit, the decision to grant or refuse an application to proceed *in forma pauperis* “is within the
10 discretion of the District Court.” *Weller v. Dickson*, 314 F.2d 598, 600 (9th Cir. 1963), *cert.*
11 *denied*, 375 U.S. 845 (1963). An application to proceed *in forma pauperis*, when granted, is
12 “granted as a privilege and not as a matter of right.” *Id.*

13 By requesting the Court to be allowed to proceed *in forma pauperis*, plaintiff is asking
14 the government to incur the filing fee because of an alleged inability to afford the costs necessary
15 to proceed with the cause of action.

16 The Court recognizes that plaintiff’s income may be above 200% of the 2018 poverty
17 level limits and that plaintiff may have other assets that would enable her to pay the court’s filing
18 fee. Therefore, plaintiff is ordered to provide a clear explanation of why plaintiff is unable to
19 pay the filing fee or pay the filing fee of \$400.00 by September 28, 2018 in order to proceed with
20 this matter. Failure to show good cause or pay the filing fee may result in an order to dismiss.

21 Dated this 6th day of September, 2018.

22
23 

24 J. Richard Creatura
United States Magistrate Judge